

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORNRAT KEAWSRI, et. al.,

Plaintiffs,

v.

RAMEN-YA INC., et. al.,

Defendants.

INDEX NO. 17-cv-02406 (LJL)(OTW)

ORDER

WHEREAS on July 29, 2022, the Court granted Plaintiffs' *ex parte* application for prejudgment attachment without possession pursuant to Fed.R.Civ.P. 64 and CPLR 6201, 6211(a), and 6212 ("Order of Attachment") against certain property of Defendants Yasuko Negita ("Mrs. Negita"), Masahiko Negita ("Negita"), Miho Maki ("Maki"), Ramen-Ya Inc. ("RYI"), and Y&S International Corp. ("Y&S"), and

WHEREAS the Court granted a temporary restraining order ("Restraining Order") effective until August 10, 2022 pursuant to Fed.R.Civ.P. 64 and CPLR 5229 against Mrs. Negita, Negita, Maki, RYI, Y&S and Kenji Kora ("Kora") (collectively, "Defendants") prohibiting them from selling, transferring, conveying, gifting, pledging, assigning, or otherwise encumbering any assets or interest in any assets they own up to up to \$1,869,034.26, and

WHEREAS the Court granted leave to Plaintiffs to seek an order on notice to examine Defendants with respect to their assets pursuant to CPLR 5229, and

WHEREAS on August 8, 2022, the Court awarded to Plaintiffs \$687,825.81 in damages and penalties, and \$1,110,807.82 in attorneys' fees and costs, and directed the Clerk of Court to prepare a judgment based on this award [DE 512], and

WHEREAS, a conference was held before the Court on August 9, 2022 (“Conference”) attended by counsel for Mrs. Negita, Negita, Maki, and RYI.

NOW THEREFORE, upon the motion by order to show cause of Plaintiffs through their counsel,

IT IS HEREBY ORDERED that Plaintiffs’ motion to confirm the Order of Attachment is granted and it shall remain effective as modified herein unless otherwise amended or vacated by this Court.

IT IS FURTHER ORDERED that pursuant to the Order of Attachment and CPLR 6201, CPLR 6211(a), and CPLR 6212(a), Mrs. Negita, Negita, Maki, RYI and Y&S are enjoined from transferring, selling, assigning, hiding, dissipating, or moving the following assets out of the reach of Plaintiffs to satisfy the judgment that will be issued for Plaintiffs in this action:

- a. Property located at 309 Knickerbocker Road, Tenafly, New Jersey, also known as 8 Floral Terrace, Tenafly New Jersey (“Real Property”) owned by Mrs. Negita.
- b. All shares of Ku-Raku New York, Inc. (“Ku-Raku”), owned by Mrs. Negita, which operates a restaurant in New York County under the trade name “Ramen Kuraku” without any prejudice to the rights of any third parties with adverse claims who were not present at the Conference to come forward to establish their rights in Ku-Raku pursuant to CPLR 6221 and all other applicable provisions of New York law.
- c. The restaurant Ramen Kuraku.
- d. RYI bank account 7528057408 with Capital One (“RYI Account”), except to the extent that funds in such account are required to be expended to make legitimate payments to RYI’s creditors.
- e. Y&S bank accounts 428-968578 and 434-7134879 (“Y&S Accounts”) with TD Bank, except to the extent that funds in such accounts are required to be expended to make legitimate payments to Y&S’s creditors.

IT IS FURTHER ORDERED that the Restraining Order issued pursuant to CPLR 5229 is hereby modified to the extent that Defendants are restrained from selling, transferring, conveying, gifting, pledging, assigning, or otherwise encumbering any assets or interest in any assets they own, are in their possession, custody or control up to \$1,798,633.63.

IT IS FURTHER ORDERED that, subject to all limitations stated in CPLR 5222 and other applicable provision of New York law, and/or any further modifications made by the Court, the Restraining Order shall continue from August 11, 2022 until such time as a judgment in this action is entered.

IT IS FURTHER ORDERED that Plaintiffs motion for leave to examine Defendants with respect to the nature, extent and location of their assets is granted, and Defendants are ordered to appear at the office of Plaintiff's counsel for such examination on or before August 23, 2022.

IT IS FURTHER ORDERED that, on or before August 16, 2022, Defendants shall serve the statement required by CPLR 6219 upon Plaintiffs' counsel, Florence Rostami LLC, by email delivery to Florence Rostami at frostami@rostamilaw.com, with copies to Neal Haber at nhaber@rostamilaw.com and Rachel Izower-Fadde at rizower@izowerfeldman.com.

AND IT IS FURTHER ORDERED that pursuant to Fed. R. Civ. P. 4(f)(3), service of this Order shall be made by email to the individual counsel at the corresponding email addresses listed below:

- Counsel for Mrs. Negita, Negita, Maki, and RYI to Vikrant Pawar, at vikrantpawaresq@gmail.com
- Counsel for Kora and Y&S to Howard Chun, at howard@kaplanchun.com.

SO ORDERED.

Dated: New York, New York
August 10, 2022



Hon. Lewis J. Liman
United States District Court Judge